



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Employment Security Department

Permanent Rule Only

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose: Chapter 3, Laws of 2009, section 12, amended RCW 50.60.100 to remove language restricting individuals to 26 weeks of shared work benefits during any 12 month period. The amendment to WAC 192-250-035 incorporates this change in statute. The amendment to WAC 192-250-045 is to correct the term "benefit ratio" to "tax rate."

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 192-250-035 and WAC 192-250-045

Suspended:

Statutory authority for adoption: RCW 50.12.010, RCW 50.12.040, and RCW 50.60.901

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-08-068 on March 27, 2009 (date).

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

phone () _____

Address:

fax () _____

e-mail _____

Date adopted:

June 3, 2009

NAME (TYPE OR PRINT)

SIGNATURE

Karen T. Lee

TITLE

Commissioner

CODE REVISER USE ONLY

TIME

2:06

DATE

09-13-057

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 06-22-004, filed 10/19/06, effective 11/19/06)

WAC 192-250-035 Information for employees participating in an approved shared work plan. (1) **What are the requirements for participating in my employer's plan?** You must have at least four hundred sixty hours of work with this employer in the calendar quarter before the quarter in which your employer's application is submitted.

(2) **When do I apply for benefits?** Your employer representative will tell you if you need to apply for benefits and how to do so. If you have a current valid claim, you do not need to apply again.

(3) **How do I file my weekly claim for benefits?** See WAC 192-140-005 for instructions on filing weekly claims. You must also report the number of hours you were paid for holidays, vacations, or sick leave. You must report hours and gross earnings for part-time and second jobs, plus your hours and net earnings from any self-employment. You can file weekly claims by telephone or over the internet.

(4) **What happens if the total number of hours worked is not a whole number?** If the total number of hours you worked in a week includes a fraction of an hour, the department will round the total down to the next whole number. This rounded number will be compared to your usual hours of work to calculate your shared work benefit payment for the week. For example: You work 28.5 hours of a normal 40 hour week. The 28.5 hours is rounded down to 28 hours and then divided by 40, meaning you worked 70 percent of the available hours. Your shared work payment would be 30 percent of your regular weekly benefit amount.

(5) **What happens if I don't work all scheduled hours for my shared work employer?**

(a) You are not eligible for shared work benefits for any week that you do not work all hours you have been scheduled by your shared work employer.

(b) You must be available for additional hours of work, up to full time, with the shared work employer. If your employer gives you at least twenty-four hours' notice that additional work is available and you do not work those additional hours, you are not eligible for shared work benefits for that week.

(c) When you are not eligible for shared work benefits in any week claimed, your claim will be processed as a regular unemployment claim.

(6) **Do I have to look for work while participating in the shared work program?** No. You are not required to look for work while participating in the shared work program.

(7) **Is there a minimum or maximum number of hours I can work in a week and still receive shared work benefits?** You must have twenty to thirty-six hours of paid time during a week to receive shared work benefits. In any week you are paid for fewer than twenty hours or more than thirty-six hours, your claim will be processed as a regular unemployment claim.

(8) **How long can I receive shared work benefits?** You can receive ~~((up to twenty-six weeks of))~~ shared work payments up to the maximum benefit entitlement established under Title 50 RCW, plus state or federal benefit extensions under Chapter 50.22 RCW~~((during your benefit year, depending on the maximum amount of benefits available on your claim. The twenty-six weeks do not have to be claimed consecutively. Your waiting week counts as one of the twenty-six weeks of shared work payments))~~.

AMENDATORY SECTION (Amending WSR 06-22-004, filed 10/19/06, effective 11/19/06)

WAC 192-250-045 Who is not eligible for participation in the shared work program? (1) The following employees are not eligible for participation in the shared work program:

(a) Employees paid on any basis other than hourly wage. This includes, but is not limited to, employees paid on a piece rate, mileage rate, job rate, salary, or commission basis. The commissioner may waive this provision for employees paid on a piece rate basis if an hourly rate of pay can be established.

(b) Officers of the corporation that is applying for participation.

(2) The following businesses are not eligible for participation in the shared work program:

(a) Businesses with a ~~((benefit ratio))~~ tax rate of more than 5.4 percent.

(b) Nonqualified employers, meaning employers who have reported no payroll for four consecutive quarters.